

### DETAILED ACTION

This office action is responsive to amendment filed on 02/21/2008 and communication with Applicant's representative on 05/02/2008.

#### *Response to Amendment*

The Examiner has acknowledged the amended claim 1.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark J. Polyar on 04/30/2008.

The application has been amended as follows:

In claim 1, please insert after threshold (line 8) --- , **and wherein the detecting the network utilization milestone comprises comparing the aggregate number of transferred bytes associated with the first user over the given time interval against a threshold level defining the network utilization milestone ----.**

In claim 24, delete " **module** " (line 8) and insert --- **engine** ---.

In claim 9, please insert after threshold (line 8) --- , **and wherein the detecting the network utilization milestone comprises comparing the aggregate number of**

**transferred bytes associated with the first user over the given time interval against a threshold level defining the network utilization milestone ----.**

In claim 11, please insert after threshold (line 10) --- , **and wherein the detecting the network utilization milestone comprises comparing the aggregate number of transferred bytes associated with the first user over the given time interval against a threshold level defining the network utilization milestone ----.**

In claim 23, please insert after threshold (line 13) --- , **and wherein the detecting the network utilization milestone comprises comparing the aggregate number of transferred bytes associated with the first user over the given time interval against a threshold level defining the network utilization milestone ----.**

In claim 24, please insert after interval (line 15) --- **by comparing the aggregate number of transferred bytes associated with the first user over the given time interval against a threshold level defining the network utilization milestone ----.**

In claim 18, delete “ **claim 17** ” and insert --- **claim 11** ---.

In claim 19, delete “ **claim 17** ” and insert --- **claim 11** ---.

**Cancel claims 7 and 17.**

#### Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272 4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 05, 2008

/Yves Dalencourt/

Primary Examiner, Art Unit 2157